HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

C.W.P. No. 31 of 2004

Date of Decision:3.5.2007

Jagdish Prasad ……. Petitioner.

versus

Union of India & another …….. Respondents.

Coram:

The Hon'ble Mr. Justice Sanjay Karol, Judge.

Whether approved for reporting? No

For the petitioner : Mr. G. D. Verma, Sr. Advocate with Mr. B. C. Verma, Advocate.

For the respondents : Mr. Sandeep Sharma, Assistant Solicitor General of India.

Sanjay Karol, J. (Oral)

This judgment is being dictated in open Court in presence of the learned counsel for the parties.

By means of the present writ petition, the petitioner has assailed the seniority list (Annexure P2) on the limited ground that for the purpose of promotion to the post of Assistant Commandant Telecommunication, the list of cadres of Inspector (Radio Operator) and Inspector (Radio Technician) could not have been clubbed. He has further prayed that the respondents be directed to maintain fresh seniority list for the purpose of filling up the next promotional post of Assistant Commandant Telecommunication.

Learned counsel for the petitioner submitted that up to the

Whether reporters of local papers may be allowed to see the judgment?

stage of Inspector, the promotion is based on different criterias and, therefore, these two cadres ought not to have been combined together and considered for promotion to the posts of Assistant Commandant Telecommunications.

The respondents in their affidavit have stated that up to the rank of Inspector, separate set of Rules for promotion are followed. The posts of Assistant Commandant Telecommunications are common posts available for promotion to the posts of Inspector (Radio Operator / Radio Technician) and seniority of both the cadres is required to be combined.

From the perusal of the writ petition including the prayer, it is clear that there is no challenge to the Recruitment Rules for the post of Assistant Commandant Telecommunication, as framed by the respondents in the year 1991.

In the absence of any challenge to the Rules, the seniority list cannot be assailed on the limited ground.

In this view of the matter, the present writ petition is dismissed with liberty to the petitioner to file a fresh writ petition, on the same cause of action seeking a comprehensive relief.

(Sanjay Karol),
Judge.

May 3, 2007.
(rana)